Constitution of the Native Village of False Pass, Alaska

PREAMBLE

We, The Alaska Natives of False Pass, Alaska, citizens of the United States and decendants of the original inhabitants of this land, having common bonds of ancestry, culture, and community identity, in order to implement our inherent right of self-goverment as an Alaska Native people and to further our common political, social, and economic progress, do ordain and establish this constitution.

ARTICLE 1 - NAME

This community shall be called The Native Village of False Pass, hereinafter referred to as the Village. The Governing body shall be called the False Pass Tribal Council, hereinafter referred to as the Council.

ARTICLE II - TERRITORIAL JURISDICTION

The exterior boundaries of the Village shall coincide with lands selected by the Isanotski Corporation under the Alaska Native Claims Settlement Act and any other lands acquired by this village, or any Indian Country as may exist under federal law.

ARTICLE III - Membership

Section 1 - Base Membership: All persons listed on the Base Roll of the Village shall be members of the tribe. The Base Roll is to be certified by the Council within one (1) year of the adoption of this constitution and is to include only those living persons of at least 25% Alaska Native descent who:

A) are domiciled in the Village at the time the Base Roll is Certified; or

B) were born or raised in the Village; or

C) are so substantially affiliated with the Village through extended periods of residency, family ties, or other factors as to be considered members of the village by common community knowledge, determined by the Council; or

RECEIVED
JAN 05 1993
BIA ANCHORAGE AGENCY
BRANCH OF NATIVE SERVICES

D) are Shareholders of Isanotski Corporation and have other substantial ties to the Village, as determined by the Council.

Section 2 - New Members:

A) Children: All children born to members residing in the Village and all children biologically of Alaska Native descent who are adopted by members residing in the Village shall be admitted to membership upon application.

B) New Residents: Any person of Alaska Native descent who lives in the Village for at least one year and intends to remain in the Village shall be admitted to membership upon application.

C) Adopted Members: Any person of Alaska Native descent not otherwise eligible for membership but with familial or other significant ties to the Village may be admitted to membership at the discretion of the Council.

Section 3 - Dual Membership Prohibited: No person may be a member of the Village who is also an enrolled member of another Federally recognized Alaska Native Village or Indian tribe.

Section 4 - Loss of Membership: Membership may be voluntarily relinquished by written notice from a member to the Council. The Council may revoke membership involuntarily for just cause upon due process of tribal law.

Section 5 - Regulation of Membership: The Council shall establish an enrollment committee to develope the Base Roll and process applications and may establish rules and procedures governing enrollment including application and appeals procedures.

ARTICLE IV - TRIBAL COUNCIL

Section 1 - Name: The governing body of the Village shall be the False Pass Tribal Council, hereinafter referred to as the Council.

Section 2 - Composition: The Council shall consist of five (5) enrolled resident adult members of the tribe who shall be elected by a majority vote of the eligible voters at the annual membership meeting. At least 30% of the eligible voters must vote in order for the election to be valid. Council members shall take office immediately upon election.

Section 3 - Qualifications: Any member who has reached the age of eighteen (18) or older shall be eligible to run for the Council. Members must reside in the Village for twelve (12) consecutive months immediately preceeding the election before becoming eligible to run for the Council.

Section 4 - Officers: The Council shall include a President, a Vice-President, a Secretary and a Treasurer. The Secretary and Treasurer may be the same person. Officers shall be selected by the Council from its members immediately following the annual meeting.

Section 5 - Term of Office: Council members shall serve for a term of three (3) years with staggered terms.

Section 6 - Vacancies: Any office which is vacated shall be filled by appointment by the remaining Council members at their next regularly scheduled meeting or special meeting called to fill this vacancy. The replacement shall serve out the term of the member he/she replaces.

ARTICLE V - ELECTIONS

Section 1 - Voter Qualifications: Any member of the Village who has reached the age of eighteen (18) or older and who has resided in the Village for at least one (1) year immediately preceeding the election shall be eligible to vote in all community elections and meetings.

Section 2 - Elections: The regular election of officials and of questions requiring voter approval shall be held at the annual membership meeting. Special elections may be called at other times by the Council, with or without a meeting of the membership, provided that no election shall be called during salmon fishing season or at times when substantial numbers of Village residents are outside the Village. At least 30% of the eligible voters must vote in order for any election to be valid.

Section 3 - Notice: The Council shall publicize all Village elections in a manner reasonably designed to give all village residents notice at least fifteen (15) days before the election.

Section 4 - Secret Balloting: All elections of officials and on issues before the voters by initiative or referendum shall be by secret ballot. Other votes taken at membership meetings shall be by secret ballot if requested by an eligible voter.

Section 5 - Election Committee: Prior to any Village election, the Council shall appoint responsible persons to supervise, administer and conduct the election. The Council

shall establish by appointment a new election committee prior to each election. Election committee members will not be members of the Council.

Section 6 - Election Ordinance: The Council shall have the power to enact election ordinances to address the specifics of election rules and procedures.

Section 7 - Eligible Voters (Non-Native): Until such time as the City of False Pass is incorporated as a Second Class City; all non-natives residents of the Village who are also registered Alaska voters, can vote in Council Elections, providing he/she has been in the Village for at least one (1) year immediately proceeding the election. Upon incorporation of the City of False Pass, this section is revoked.

ARTICLE VI - REMOVAL FROM OFFICE

Section 1 - Misconduct or Neglect: Any Council member that has three consecutive unexcused absences from regularly scheduled meetings is deemed to be neglectful of their duty and the Council shall appoint a new member subject to the due process provisions and provisions for filling vacancies which appear in this Article. Unexcused absences shall not include family emergencies or extended illness.

Any Council member or other official found guilty by the Council of behavior involving gross misconduct in office or neglect of duty may be removed from office by a vote of at least three (3) members of the council. Voting must be by secret ballot and the accused, if a Council member, is not entitled to vote.

Before any vote for removal is taken, the accused must be given a reasonable opportunity to answer the charges against him. The accused will be notified in writing of the charges against he/she and will be given the opportunity to defend themselves in a duly convened hearing before the Council.

Section 2 - Recall: Eligible voters shall have the power to remove any member of the Council by recall. The process shall be initiated by giving a petition asking for such removal to the Council. The petition must be signed by at least 20% of the eligible voters and must set forth the reason for the petition.

The Council must hold a community election to consider the recall within thirty (30) days of receipt of the petition. Council members may be subjected to only recall petition per term. Any individual recalled by this procedure shall be replaced by appointment by the remaining Council members at their next regularly scheduled meeting or at a special

meeting convened to fill this vacancy. The replacement shall serve out the term of the member he/she replaces.

Section 3 - Forfeiture: Any Council member who moves from the Village or spends more than 50% of the year outside the Village or ceases to be a member of the Village shall automatically forfeit his office.

ARTICLE VII - POWERS

Section 1 - Assertion of Power: The Village shall have all rights and powers of a sovereign, self-governing people except to the extent limited by federal law.

Section 2 - Powers of Council: Except as otherwise provided by this constitution, all powers of the Village may be exercised by the Council.

The Village shall have the inherent powers of a tribal government, including, but not limited to, those specified within this Article. All inherent powers rest with the members of the Tribe. Any powers exercised by the Council are powers specifically authorized or delegated to the Council by the members.

To do all things for the common good, which it has done or has had the right to do in the past and which are not against Federal and State laws as may apply.

To promote the health, education, and safety of tribal members.

To encourage and protect traditions, language, Native arts, and cultural heritage of tribal members.

To encourage and promote political and social self-determination of the Tribe and its membership.

Any rights and powers hereto vested in the Council but not expressly referred to in this Constitution shall not be lost by reason of their omission, but may be excercised by the Council through the adoption of appropriate amendments of this Constitution.

Section 3 - Power to Tax Reserved: No taxes or assessments may be levied without a referendum of the eligible voters of the Village.

ARTICLE VIII - POPULAR PARTICIPATION IN GOVERMENT

Section 1 - Initiative: The eligible voters of the Village shall have the right to propose legislation or other

community action. Upon receipt of a petition signed by at least 20% of the eligible voters. The Council shall call an election to be conducted within thirty (30) days of receipt of the petition. The election shall be by secret ballot. At least 30% of the eligible voters must vote for the election to be binding.

Section 2 - Referendum: The Council may call an election for the purpose of deciding any issue or question which is within the authority of the Council. At least 30% of the eligible voters must vote for the election to be binding.

Section 3 - Voter Decision Binding: The decision of the majority of voters in both initiative and referendum elections shall be binding on the Council and the Village and shall remain in full force until amended or rescinded by the voters or expires by its own terms.

ARTICLE IX - RIGHTS OF MEMBERS

Section 1 - Rights and Priviledges: All members of the Village shall enjoy without hindrance their rights as citizens of the United States.

Section 2 - Indian Civil Rights Act: In exercising its power of self-goverment, the Village shall comply with the provisions of the Indian Civil Rights Act, 25 USC 1301, et. seq. and not infringe the individual liberties guaranteed therein.

Section 3 - Rights to Inspect Records: Enrolled members shall have the right to review all public records, such as financial reports, minutes of Council meetings, and the Constitution. Some records must remain confidential by law, such as any Tribal Court records or information in enrollment files.

ARTICLE X - DUTIES OF OFFICERS

Section 1 - President: The President shall preside at all meetings of the Village and of the Council and shall execute on behalf of the village all contracts, leases, or other formal documents approved by the Council. He/she shall vote in matters before the council. He/she shall have the general supervision of all other officers, employees and committees of the Village and see that their duties are properly performed. When the Council is not in session, he shall be the official representative of the native community.

Section 2 - Vice-President: The Vice-President shall assist the President when called upon to do so. In the absence of

the President, he/she shall preside and when so presiding shall have all the rights, duties, priviledges and responsibilities of the President.

Section 3 - Secretary: The Secretary shall keep the minutes of all meetings and shall attest to the enactment of all resolutions and ordinances. He/she shall maintain in permanent form all minutes, resolutions, ordinances and rules of the Village, which shall be public information. He/she shall issue notices of all meetings and elections and conduct all general correspondence as directed by the Council.

Section 4 - Treasurer: The Treasurer shall carry out the financial directives of the Council, recieve and safegaurd all monies of the Council and keep an accurate account of receipts and disbursements. He shall report to the Council all receipts and expenditures and the amount and nature of all Council funds. Funds shall be deposited in a bank approved by the Council where depositers' funds are insured by the Federal Deposit Insurance Corporation. All disbursements shall be made by check in accordance with resolutions of the Council.

Section 5 - Council Documents: All papers, documents, reports and records accumulated and maintained by the Council members while carrying out their duties as tribal officers are the property of the Council and shall be returned when any member leaves office.

ARTICLE XI - MEETINGS

Section 1 - Regular and Special Meetings: Regular meetings of the Council shall be held monthly, the time, place and date to be designated by the Council. Special meetings of the Council may be called by the President and shall be called by him upon request of at least two (2) members of the Council and when so called, the Council shall have the power to transact business as in regular meetings.

Section 2 - Quorum: A quorum of the Council shall consist of three (3) members of the Council. No business shall be transacted unless a quorum is present.

Section 3. Conflict of Interest. No Council member may vote on any matter pertaining specifically to him or to an immediate family member or on any matter in which he or an immediate family member has a significant financial interest. Nothing herein bars a Council member from voting on a matter in which the benefit to him is common to that of Village members at large, or bars a Council member or a member of his family from employment by the Village. Immediate family members are defined as father, mother,

brother, sister, wife, husband, son, daughter, or anyone in the Council member's household.

Section 4 - Open Meetings: All meetings of the Council shall be open to the public; provided, that the Council may recess at its discretion to discuss any matter in a closed or executive session, if the general subject matter to be discussed is expressed in the motion calling for such session and no final or official action is taken thereon in the closed or executive session.

Section 5 - Decisions: Final decisions of the Council on matters of permanent interest, such as the passage of Village laws and regulations, shall be by ordinance. Final decisions of the Council on matters of temporary interest may be by resolution.

Section 6 - Parliamentary Procedure: All meetings shall be conducted in accordance with Robert Rules of Order or other rules adopted by the Council.

Section 7 - Village Meetings: Regular meetings of the general membership of the Village shall be held at least once annually, the date, time and place to be established by the Council. Special meetings of the general membership may be called by the President and shall be called by him upon either a majority vote of the Council or upon receipt of a petitions signed by at least 20% of the eligible voters.

Section 8 - Notice: All meetings of the membership must be publicized by the Council at least fifteen (15) days in advance. No membership meeting may be called during salmon fishing season or at other times when substantial numbers of Village residents are outside the Village.

Section 9 - Quorum of Membership: A quorum of the general membership at special meetings shall consist of 30% of the eligible voters, and no business shall be conducted unless a quorum is present. There shall be no minimum quorum for regularly scheduled annual meetings.

ARTICLE XII - TRIBAL COURTS

The judicial power of the Village is vested in the Council. The Council may delegate its judicial power in particular cases and may by ordinance establish a permanent tribal court, or courts, of limited or general jurisdiction.

ARTICLE XIII - SEVERABILITY

If any provision of this Constitution should be declared invalid by a federal or tribal court of competent

jurisdiction, the invalid provision shall be severed and the remaining provisions shall continue in effect.

ARTICLE XIV - SAVINGS CLAUSE

Section 1 - Existing Law Remains in Effect: To the extent consistent with this Constitution, all previous ordinances and resolutions adopted by the traditional council of False Pass and all customary village law shall remain in effect following the adoption of this Constitution.

Section 2 - Revisions: In the event of future Constitutional revisions, all previous ordinances, resolutions and customary Village laws shall remain in effect to the extent that they are consistent with the new Constitution or amendments.

ARTICLE XV - AMENDMENTS

This Constitution may be amended by a majority vote of the qualified voters in an election called for that purpose, provided that at least 30% of those eligible vote. The election may take place at the annual membership meeting.

ARTICLE XVI - ADOPTION

Section 1 - Effective Date: This Constitution shall be effective immediately when adopted by a majority vote of all eligible voters, as defined in this Constitution, at an election or meeting called for that purpose in which at least 30% of those eligible vote.

Section 2 - Transaction:

a) Council members elected prior to the adoption of this Constitution shall remain in office until the first election under this Constitution.

b) Staggered terms of office for village officials required by this Constitution will be established in the first election of officials under this Constitution.

ARTICLE XVI. ADOPTION

Section 1. Effective date. This constitution shall be effective immediately when adopted by a majority vote of all eligible voters, as defined in this constitution, at an election or meeting called for that purpose in which at least 30% of those eligible vote.

Section 2. Transaction.

(a). Council members elected prior to the adoption of this constitution shall remain in office until the first election under this constitution.
(b). Staggered terms of office for village officials required by this constitution will be established in the first election of officials under this constitution.

DATE OF ADOPTION AS AMENDATED: May 7, 1990

Voting for: 9 Voting against. 0

CERTIFIED BY THE ELECTION COMMITTEE WHO HAS THE AUTHORITY, FOR THE NATIVE PEOPLE OF FALSE PASS THRU THE FALSE PASS TRIBAL COUNCIL ELECTION ORDINANCE OF 1990 ON THIS 7th DAY OF MAY, 1990.

Ruth Hoblet

Pauline Bernstein

Anne Hoblet

ATTEST: Anna M. Hoblet
Secretary

BASE ROLL

Bear, Antone
Bear, Darryl
Bear, Janet
Bear, Lillian
Berntsen, Don
Berntsen, Pauline
Bryan, Alvin
Chebetnoy, Carla
Chebetnoy, Carol
Chebetnoy, Jolene
Chebetnoy, Linda
Chebetnoy, Shalene
Dushkin, Anne Marie
Dushkin, Eileen
Dushkin, Inar Jr.
Dushkin, Inar Sr.
Dushkin, Justin
Dushkin, Marilyn Jean
Dushkin, Nancy Lynn
Dushkin, Preston
Ferguson, Henry Sr.
Ferguson, John Jr.
Ferguson, Sophie
Ferguson, Zina
Hoblet, Anna Alice
Hoblet, Carlin
Hoblet, Ivan
Hoblet, John Charles
Hoblet, Jolene
Hoblet, Melanie
Hoblet, Nicole
Hoblet, Ruth
Hoblet, Travis Shane
Hoblet, Tom
Jackson, Alice
Jonsson, Cara
Jonsson, Siv Betti
Jonsson, Lorrraine

Jonsson, Siri
Jonsson, Sven
Kenezuroff, Jenny
Kinder, Carla Ann
Kochuten, Alicia
Kochuten, David
Kochuten, Delores
Kochuten, Nadine
Kochuten, Raymond
Kochuten, Renee
Kochuten, Richard Steve
Kochuten, Savanna
Kochuten, Victor Peter
Kochuten, Zara
Kosbruk, Joe
Kristensen, Stanely
Larson, Lolly
Murphy, Terry
Samuelson, Catherine
Shellikoff, Daniel
Shellikoff, Gary
Shellikoff, George L
Shellikoff, Gilda
Shellikoff, John
Shellikoff, Katie
Shellikoff, Robert I
Shellikoff, Robert II
Shellikoff, Tammy
Shellikoff, William Jr.
Shellikoff, William Sr.
Smith, Julia Ann
Smith, Kenneth Jr.
Smith, Kenneth Sr.
Smith, Melvin
Smith, Teresa
Smith, Virginia
Steffenson, Alice
Washington, Barbara
Yatchmeneff, Dale
Yatchmeneff, Florence
Yatchmeneff, Lawrence Jr.
Yatchmeneff, Lawrence Sr.
Yatchmeneff, Leonard
Yatchmeneff, Margie
Yatchmeneff, Marlene
Yatchmeneff, Peter Jr.